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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6392 OF 2015

Ramesh s/o Subhashrao Satbhai
& anr.

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr R.S. Deshmukh, Advocate holding for Mr S.P. Urgunde, Advocate for applicants;
Mr S.J. Salgare, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 6th January, 2016

ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicants seek their enlargement on bail, in connection with C.R. No.70 of 2015, registered with Kalamnuri police station, for offences punishable under sections 302, 307, 120-B, 143, 147, 148 and 149 of the Indian Penal Code.

2. Mr R.S. Deshmukh, learned Counsel appearing on behalf of the applicants would urge that the role attributed to the applicants in the first information report and further investigation depicts that they have used stones in the crime in question. According to him, the sweeping allegations against the applicants are required to be considered, particularly having regard to the cause of death of deceased Shivanand

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Waykole, narrated in the charge-sheet. He would then urge that the applicants are falsely implicated as all the members of their family are made accused.

3. Learned Addl. Public Prosecutor opposed the application on the ground that a specific role of pelting stones at the injured persons and such injured persons have named the applicants in their statements. He would further urge that in view of *prima facie* involvement of the applicants, the application is liable to be rejected.

4. Having bestowed my anxious thought to the submissions made, it is to be noted that the investigation in the matter is complete and charge-sheet is filed. Of the total accused, Shankarappa is released on regular bail by the learned Sessions Court, whereas Smt. Mankarnabai and son-in-law of the accused persons are already released on regular bail and pre-arrest bail, respectively. Apart from above, Jyoti - wife of Shivanand Satbhai is also released on pre-arrest bail by the learned Sessions Court.

5. Looking to the nature of sweeping allegations against the applicants and particularly as nothing serious could be noticed against the applicants, as is reflected in the charge-sheet, in my opinion, the application needs to be allowed. Thus, the following order :-

Applicants be released on bail, in connection with C.R. No.70 of 2015, registered with Kalamnuri police station, for offences punishable

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under sections 302, 307, 120-B, 143, 147, 148 and 149 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj